

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RLI INSURANCE COMPANY,

Plaintiff,

Case No. 1:14-cv-00802

vs.

Judge Timothy Black

FIFTH THIRD BANCORP,

Magistrate Judge Stephanie K. Bowman

Defendant.

FIFTH THIRD BANCORP et. al.,

Plaintiffs,

vs.

Case No. 1:14-cv-869

CERTAIN UNDERWRITERS AT LLOYD'S
SUBSCRIBING TO POLICY NUMBERS
B0509QA04810, B0509QA051310, 81906760,
et al.,

Judge Timothy Black

Magistrate Judge Stephanie K. Bowman

Defendants

**STIPULATED ORDER REGARDING PRODUCTION OF DOCUMENTS LISTED ON
FIFTH THIRD'S PRIVILEGE LOG**

Upon stipulation of the parties to these consolidated actions, it is hereby ORDERED as follows:

1. Fifth Third Bancorp and Fifth Third Bank (collectively "Fifth Third") shall produce those portions of any documents contained on its privilege log that: (1) pre-date February 8, 2011; and (2) contain facts concerning: (i) the actual or alleged activities of Matthew Ross; (ii) any actual or alleged fraud or misconduct relating to the LIPF II Program, or

(iii) an actual or potential claim in which it is alleged that Fifth Third is liable to a third party in connection with Matthew Ross, the LIPF II Program, Concord Capital Management, LLC (f/k/a Inscap Management LLC), or the Clean-Up Loans.

2. To the fullest extent permitted by law and its inherent powers, including but not limited to its authority pursuant to Federal Rule of Evidence 502(d), the Court hereby orders that the production of documents pursuant to or in furtherance of this Order, or testimony in these consolidated civil actions concerning these documents, shall not constitute a waiver of the attorney-client privilege, work product doctrine or any other applicable privilege in this or any other federal or state proceeding.

3. Any documents or testimony produced pursuant to or in furtherance of this Order shall be held strictly confidential and shall be subject to the terms and conditions relating to the treatment of Confidential Information pursuant to the Stipulated Protective Order Regarding the Production and Exchange of Confidential and Privileged Documents and Information entered in these actions.

4. Fifth Third reserves the right, and this Order shall not be considered a waiver of the right, to dispute the relevance of any information or testimony produced pursuant to this Order and/or to move to exclude or limit such documents or testimony during trial of these consolidated matters.

5. Certain Underwriters at Lloyd's subscribing to Policy Numbers B0509QA048710 and B0509QA051310, AXIS Insurance Company, and Federal Insurance Company, Continental Insurance Company, Fidelity and Deposit Insurance Company of Maryland, St. Paul Mercury Insurance Company, and RLI Insurance Company reserve their rights, and this Order shall not be

considered a waiver of their rights, to challenge Fifth Third's assertion of the attorney-client privilege, work product doctrine or any other applicable privilege to the documents or testimony produced pursuant to this Order, and similarly reserve their rights to move to compel the production of additional documents or testimony from Fifth Third, including, but not limited to, documents listed on Fifth Third's privilege log.

AGREED TO BY:

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*Attorneys for Continental Insurance Company;
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ORDERED BY:

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

Date: March 31, 2017